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Law

SERVICE OF LEGAL PROCESS

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This instruction implements *AFPD 51-10, Making Military Personnel, Employees, and Dependents Available to Civilian Authorities*. This instruction governs procedures to be followed in effecting service of legal process within the confines of Hill AFB, Utah, so as to maximize the effectiveness and efficiency of such service while at the same time minimize any disruption to the orderly accomplishment of the Air Force mission. It sets forth the authority, policy, and procedures for service of civil and criminal process upon any individual, including civilian employees and United States military personnel and their dependents on Hill AFB.

SUMMARY OF REVISIONS

This publication is revised to update organizational symbols, provides new addresses, and update publication references. A (|) indicates revisions from the previous edition.

1. AUTHORITY, JURISDICTION AND SERVICE OF PROCESS:

1.1. The United States Air Force has exclusive jurisdiction to the realty upon which Hill AFB is located with the exception of the Golf Course, Housing Areas "D" and "E" and the West Gate where only proprietary jurisdiction is exercised. Utah Code 63-8-1 provides, in pertinent part, "Jurisdiction is hereby be ceded to the United States, in, to, and over any and all lands or territory within the State which have been or may be hereafter acquired or leased by the United States for military or naval purposes . . . the State, however, reserving the right to execute its process, both criminal and civil, in such territory."

1.2. Authority is delegated to the Security Forces Squadron (75 SFS) to deliver any member of the Air Force to Civilian Authorities in accordance with *AFI 51-1001, Delivery of Personnel to United States Civilian Authorities for Trial*.

2. PROCEDURES:

2.1. Sentries or other persons first encountering a process server who intends to serve an official court order, warrant, subpoena, supplemental court order, or writ, will review the credentials granting power to serve such process before allowing the process server to enter the base.

2.2. If the process server is a peace officer, regular credentials will suffice. In all other cases, the process server must provide the same identification as any other non-base affiliated person seeking entrance to the base.

2.3. Once credentials or identification have been established, the sentry will direct the process server to Judge Advocate (OO-ALC/JA) for review of the process documents.

2.3.1. An attorney or paralegal will examine the documents to be served. Approval will be granted if the document:

- is issued by an appropriate federal or state court,
- is signed by a proper authority, and
- will be served within the statutory time period.

2.4. The process server will then be directed to 75 SFS (Building 1219). 75 SFS will then determine the location of the individual being served, the individual's organization, and the identity of the individual's supervisor.

2.5. 75 SFS will take the following actions with respect to individual being served:

2.5.1. Civilian Federal Employees and Civilian Contractor Employees: Contact the individual's supervisor and request that the supervisor privately ask the individual to report to 75 SFS. The Supervisor will inform the individual of the proposed service of process and of the individual's option to voluntarily meet with the process server at 75 SFS office or have the process server appear at the work place. If the individual refuses or fails to report, 75 SFS will detail a security police officer to escort the process server to the individual's job location. Security police officers escorting process servers are precluded from assisting in the actual service of process, other than helping to locate the individual being served. Service of process will be made under circumstances providing the maximum amount of privacy practicable.

2.5.2. Military Dependents and Non-employee Civilians (to include sponsored civilians) under 14 years of age for Utah process and under 18 years of age for Federal process: Contact the minor's sponsor (in sponsor's absence, the minor's parent or guardian) and request that the minor be brought to the 75 SFS office for service, along with a parent, guardian, or person charged with the care and custody of the minor. If the minor refuses or fails to report, then 75 SFS will detail a security police officer to escort the process server to the minor's residence or other known location on base.

2.5.3. Military Dependents and Non-employee Civilians, 14 years of age or older for Utah process or 18 years of age or older for Federal process: Contact the individual directly and request they present themselves for service at the 75 SFS office. If the individual refuses or fails to report, then 75 SFS will detail a security police officer to escort the process server to the individual's residence or other known location on base.

2.5.4. Members of the United States Armed Forces: Contact the individual's immediate supervisor and ask him/her to request that the individual report to the 75 SFS office. If the individual

refuses or fails to do so, then 75 SFS will detail a security police officer to escort the process server to the individual's place of duty or on-base residence.

2.6. In those cases where both a service member and spouse are to be served, and they reside together on base, and service of process can be accomplished upon both by service upon either person at their residence; then, after the requisite approval has been obtained, a security police officer will be detailed to escort the process server to the person's residence.

2.7. In-state and out-of state service of process issued by a federal court or a court of a state is authorized on Hill AFB, if made in accordance with this publication.

3. Voluntary Acceptance of Out-of-State Service of Process. Arrangements may be made for off-base voluntary acceptance of out-of-state service of process.

4. Arrest Warrants. Utah and Federal arrest warrants will be served in the same fashion as other process, except where, in the opinion of the process server and 75 SFS, "no notice" service is required to ensure the safety of those effecting service or where 75 SFS concludes that other practical reasons dictate a "no notice" service. For a request for delivery of an Air Force member by authorities of any other state, refer to *AFI 51-1001*.

5. Seizure, Repossession, Attachment, etc., on Hill AFB. No property whatsoever within the confines of Hill AFB will be seized, repossessed, attached or otherwise executed upon without the express consent of the owner of such property or upon the presentation of process authorizing same issued by a court of the State of Utah or a Federal Court.

5.1. The term "express consent" means actual, informed, and current consent given after the decision to seize, repossess, or attach has been made, and given after the seizer, reposessor, or attacher requests permission from the owner (registered owner in the case of motor vehicles) of the property to be seized, repossessed, or attached.

5.2. Advance consent to seize, repossess, or attach, given by the owner in the contract of sale, promissory note, installment sales contract, or other financing instrument or contractual document, is not express consent within the meaning of this regulation.

5.3. Persons desiring to seize, repossess, or attach property on Hill AFB will follow the procedures for service of process in paragraph 2. Specifically, they will identify themselves to the sentry at the point of entry and declare their intent to seize, repossess, or attach. Once the credentials or identification have been established, the sentry will direct the process server to OO-ALC/JA for review of the documentation. The documentation in the possession of the seizer, reposessor, or attacher will then be reviewed by 75 SPS for compliance with this publication. Thereafter, paragraphs 2.5, 2.6, and 2.7 apply.

6. GARNISHMENT OR WAGE ASSIGNMENTS: All documents pertaining to garnishments or wage assignments of Air Force personnel will be forwarded by the process server to the appropriate agents designated to accept service of legal process pertaining to garnishment or wage assignment. Those authorized agents are as follows:

6.1. Garnishment for Child Support/Alimony. For all active duty, reserve, Air National Guard, and civilian employees of appropriated fund activities: DFAS-CL/LG, P.O. Box 998002, Cleveland, OH 44199-8002; Commercial (216) 522-5301.

6.2. Garnishment and Involuntary Allotments for Civil Debts. For all civilian employees of appropriated fund activities of the Air Force: DFAS-CL/L, P.O. Box 998002, Cleveland, OH 44199-8002; DSN 580-5304, Commercial (216) 522-5304.

6.3. FSPA Divisions of Retired Pay. For all active duty, reserve and Air National Guard employees: DFAS-CL/DG, P.O. Box 998002, Cleveland, OH 44199-8002; DSN 580-5304, Commercial (216) 522-5304.

6.4. For nonappropriated fund civilian employees of base exchanges. Army and Air Force Exchange Service, Attention: FA-O/R, P.O. Box 650038, Dallas, TX 75265; (800) 654-4074.

6.5. All other Air Force nonappropriated fund (NAF) activity employees. Office of Legal Counsel Air Force Services Agency, 10100 Reunion Place, Suite 503, San Antonio, TX 78216-4138.

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